

REMARKS / ARGUMENTS

In response to the Office Action of December 8, 2009, Applicants have amended claims 1, 5, 6 and 7, and canceled claim 4, which when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration of all pending claims is respectfully requested.

Claims 1, 2 and 4-7 remain rejected under 35 USC §103(a) as allegedly obvious over Zimmermann et al (WO 99/03854) in light of Mouriaux et al ("Implication of Stem Cell Factor in the Proliferation of Choroidal Melanocytes", *Exp. Eye Res.*, 2001; 73:151-157) in view of Ijland et al. ("Expression of Angiogenic and Immunosuppressive Factors by Uveal Melanoma Cell Lines", *Melanoma Research*, 1999; 9:445-450).

In response to the rejection, claims 1, 6, and 7 have been amended to recite the methanesulfonate salt of 4-(4-methyl piperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl) pyrimidin-2-ylamino] phenyl]-benzamide. The surprising results provided in the table on page 5 of the specification demonstrate that the methanesulfonate salt of 4-(4-methyl piperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl) pyrimidin-2-ylamino] phenyl]-benzamide promotes *in vitro* cell death on four uveal melanoma cell lines.

An applicant may rebut a *prima facie* case of obviousness by making a showing of "unexpected results," that is, to show that the claimed invention exhibits some superior property or advantage that a person of ordinary skill in the relevant art would have found surprising or unexpected. The rationale behind this rule is straightforward—that which would have been surprising to a person of ordinary skill in the art could not have been obvious. In the less predictable field of chemistry, the principle often applies since minor changes in a product or process may yield substantially different results. *In re Soni* 34 USPQ2d 1684, 1687 (Fed. Cir. 1995).


Since Applicants' presently claimed invention is based on a finding of unexpected results based on data set forth in the specification, Applicants have rebutted the *prima facie* case of obviousness. Accordingly, the rejection of claims 1, 2 and 4-7 under 35 U.S.C. § 103(a) as pertains to claims 1, 2 and 5-7, should be withdrawn.

In view of the foregoing, it is firmly believed that the present application is in condition for allowance, which action is earnestly solicited.

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